

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington 25, D. C.

In the Matter of the Application of	»	
	)	
American Telephone and Telegraph Company	)	
	)	
For authority under Section 214 of the	)	FILE NO. P-C-3630
Communications Act of 1934, as amended,	)	
to construct and operate twin deep-sea	)	
submarine cables between Point Reyes,	)	
California and Koko Head, Oahu, Hawaii	)	
	)	
In the Matter of	)	
	)	
License authorizing the landing and	)	
operation of twin submarine cables	)	FILE NO. S-C-L-14
between Point Reyes, California and	)	
Koko Head, Oahu, Hawaii by the	)	
American Telephone and Telegraph	)	
Company.	)	

PETITION FOR REHEARING ON  
BEHALF OF GLOBE WIRELESS LTD.

Pursuant to Section 405 of the Communications Act of 1934, as amended, Globe Wireless Ltd., hereinafter referred to as "Globe", one of the protestants in the above-entitled matter, hereby petitions for rehearing herein and requests the Commission to reconsider and modify its orders released in this matter on September 8, 1955 and September 19, 1955, as hereinafter set forth. In support of this petition, Globe states:

1. The Commission's order of September 8, referred to herein above, grants to applicant herein a certificate of

public convenience and necessity under Section 214 of the Act to construct and operate cable facilities between the Pacific Coast and Hawaii, which facilities may be used to provide not only message telephone service but also "various private line services, including telephone and telegraph which applicant now furnishes in Continental United States." (Emphasis supplied.) The Commission's order of September 19, 1955 grants to applicant a license to operate the aforesaid cable facilities.

2. By statement duly filed with the Commission prior to the granting of the aforesaid certificate and license, Globe protested against any issuance to applicant of an authority to enter the telegraph business between the Mainland and Hawaii and requested that if such certificate and license be granted they contain appropriate restrictions against the provision of telegraph service by the applicant and requiring applicant to make such cable facilities available to the existing telegraph carriers if cable facilities be required for the provision of telegraph service between the points involved. Similar protests and requests were filed with the Commission by other telegraph carriers concerned. Despite these representations, the aforesaid certificate and license as granted contained no restrictions against the entry of applicant into the telegraph

field via proposed cable facilities and in effect authorized it to enter into competition with the existing telegraph carriers, with no showing of public need for any such service.

3. In its aforesaid statement Globe also showed that its existing circuits between the Mainland and Hawaii are capable of handling substantially increased volumes of traffic, and that there has been very slight increase in the traffic available within recent years. Globe also pointed out that as shown by its monthly and annual operating and financial reports to the Commission, Globe's operations are now and for some time past have been conducted at a net loss. The route between the Mainland and Hawaii is one of Globe's principal traffic routes and to permit a large and powerful new competitor to handle telegraph business between these points would result in diversion of traffic which would impair Globe's ability to serve not only between these points but between other points on its system as well.

4. Applicant is a large domestic telegraph carrier as well as a carrier by telephone. Telegraph service between the Mainland and Hawaii constitutes international telegraph operations as defined in Section 222 (a) (6) of the Act, and by its orders herein the Commission in effect has authorized a domestic telegraph carrier to enter the international telegraph field. Such authority is contrary to the congressional

policy that domestic and international telegraph operations be conducted by separate entities, as set forth in Sections 222(b) (1) and 222 (c) (2) of the Act. So far as Globe is advised there is nothing in the record in this proceeding which would require or justify any change or modification of this congressional policy by the Commission. If such policy is to be changed, Congress must make the change.

5. It is apparent that the summary action taken by the Commission in granting the aforesaid certificate and license without hearing is due in large part if not entirely to representations that the proposed cable facilities are required in the interests of national defense. Globe does not oppose the construction of any facilities required for national defense nor does it oppose the construction of a cable between the Mainland and Hawaii to be used for the provision of telephone service between those points. So far as Globe is advised, however, no representations have been made to the Commission to the effect that the interests of national defense require that this particular applicant supply, by the proposed cable facilities, any telegraph service between the Mainland and Hawaii which may be required to go via cable rather than via existing radiotelegraph

facilities. There is nothing of record, to Globe's knowledge, which would support the Commission's refusal to restrict the use of the proposed cable facilities by applicant to the provision of telephone service, leaving the provision of telegraph service via such facilities, if required, to be provided by existing radiotelegraph carriers through appropriate arrangement with applicant.

6. For the foregoing reasons the Commission's action in granting said certificate and license to applicant without the restrictions and conditions upon the issuance of such certificate and license by applicant requested by Globe is arbitrary, capricious and not in accordance with the law.

WHEREFORE Globe respectfully requests the Commission to reconsider its orders of September 8, 1955 and September 19, 1955 in this proceeding, and, upon such reconsideration, to modify such orders by the addition of appropriate provisions (a) restricting applicant against the use of such cable facilities for the provision of telegraph service and (b) requiring applicant to agree to permit the existing radiotelegraph carriers to use, for the provision of telegraph service, such portion of said facilities as may be available therefor, under such arrangements as

may be mutually agreed upon between the parties involved.

Dated at San Francisco, California, October 7,  
1955.

Respectfully submitted,

George D. Rives,  
111 Sutter Street,  
San Francisco 4, California

Attorney for Globe Wireless Ltd.

Of Counsel  
Brobeck, Phleger & Harrison,  
111 Sutter Street,  
San Francisco 4, California

AFFIDAVIT OF SERVICE

DISTRICT OF COLUMBIA ) ss.

J. D. HOPKINS, being duly sworn, deposes and says that he has this day served copies of the foregoing Petition of Globe Wireless Ltd., on the following, by mailing copies thereof to them at the following addresses:

T. Brooke Price, Esq.,  
American Telephone and  
Telegraph Company,  
195 Broadway  
New York 7, N. Y.

John H. Waters and  
William Wendt, Esqs.,  
The Western Union Telegraph  
Company,  
60 Hudson Street,  
New York 13, N. Y.

James A Kennedy, Esq.,  
American Cable & Radio Corporation,  
67 Broad Street,  
New York, N. Y.

Howard R. Hawkins, Esq.,  
RCA Communications, Inc.,  
66 Broad Street,  
New York, N. Y.

Office of Defense Mobilization,  
Washington, D. C.

Harold G. Cowgill, Esq.,  
Chief, Common Carrier Bureau,  
Federal Communications  
Commission,  
Washington 25, D. C.

-s- J. D. Hopkins

Subscribed and sworn to before  
me this 10th day of October, 1955.

Edward B. Finch  
NOTARY PUBLIC  
in and for the District of Columbia.

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